Rob Bonta
Attorney General of California
MARY CAIN-SIMON
Supervising Deputy Attorney General
State Bar No. 113083
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 510-3884
Facsimile: (415) 703-5480
E-mail: Mary.CainSimon@doj.ca.gov
Attorneys for Complainant

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition to Revoke Probation Against: **KUN LINDA LI, M.D.** **1941 S Wells St.** **Chicago IL 60616-2466** **Physician's and Surgeon's Certificate No. A 72250** Respondent.	Case No. 800-2020-071894 **DEFAULT DECISION AND ORDER** [Gov. Code §11520]

FINDINGS OF FACT

1. On April 28, 2021, an employee of the Medical Board (Board) of California served by regular and certified mail, a copy of the Petition to Revoke Probation No. 800-2020-071894, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is 1941 S Wells Street, Chicago IL 60616-2466. On May 4, 2021, the certified mail was delivered to Respondent's address of record. . (Exhibit Package, Exhibit 1: Petition to Revoke Probation package, proof of service, and USPS track and confirm results. [1].)

[1] The evidence in support of this Default Decision and Order is submitted herewith as the "Exhibit Package."

2. There was no response to the Accusation. On May 21, 2021, an employee of the Attorney General's Office sent by regular mail only, addressed to Respondent at her address of record, a courtesy Notice of Default, advising Respondent of the service of the Petition to Revoke Probation, and providing her with an opportunity to file a Notice of Defense and request relief from default. (Exhibit Package, Exhibit 2: Courtesy Notice of Default, proof of service.)

3. Respondent has not responded to service of the Petittion or the Notice of Default. She has not filed a Notice of Defense. As a result, Respondent has waived her right to a hearing on the merits to contest the allegations contained in the Petition.

FINDINGS OF FACT

I.

4. William Prasifka is the Executive Director of the Board. The charges and allegations in the Petition were at all times brought and made solely in the official capacity of the Board's Executive Director.

II

5. On June 26, 2000, the Board issued Physician's and Surgeon's Certificate number A 72250 to Respondent. The certificate expired on December 31, 2019, and has not been renewed. (Exhibit Package, Exhibit 3: Certificate of Licensure.)

III

6. On April 28, 2021, Respondent was duly served with a Petition, alleging causes for discipline against Respondent. A Courtesy Notice of Default was thereafter served on Respondent. Respondent failed to file a Notice of Defense.

IV

7. Business and Professions Code section 118 states, in pertinent part:

> (b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the license on any such ground.

8. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board finds that the allegations in Petition to Revoke Probation No. 800-2020-071894 are true as follows:

9. At all times after the effective date of Respondent's probation, Condition 8 stated as follows, in pertinent part:

> Compliance with Probation Unit. Respondent shall comply with the Board's Probation unit and all terms and conditions of this Decision.
>
> . . . . .
>
> License Renewal. Respondent shall maintain a current and renewed California physician's and surgeon's certificate.

10. At all times after the effective date of Respondent's probation, Respondent has been required to comply with all terms and conditions of probation, including the requirement that Respondent maintain a current and renewed California physician's and surgeon's certificate.

11. Respondent's physician's and surgeon's certificate has been in expired status since December 31, 2019. Accordingly, Respondent has failed to comply with Condition 8. (Exhibit Package, Exhibit 4: Probation Non-compliance reports.)

12. Respondent's violation of Condition 8 of her probation constitutes cause to revoke her probation.

13. At all times after the effective date of Respondent's probation, Condition 10 stated as follows:

> Non-Practice While on Probation. Respondent shall notify the Board or its designee in writing within 15 calendar days of any periods of non-practice lasting more than 30 calendar days and within 15 days of respondent's return to practice. Non-practice is defined as any period of time respondent is not practicing medicine in California as defined in Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct patient care, clinical activity or teaching, or other activity as approved by the Board. All time spent in an intensive training program which has been approved by the Board or its designee shall not be considered non-practice. Practicing medicine in another state of the United States or Federal jurisdiction while on probation with the medical licensing authority of that state or jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall not be considered as a period of non-practice.
>
> In the event respondent's period of non-practice while on probation exceeds 18 calendar months, respondent shall successfully complete a clinical training program that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

Respondent's period of non-practice while on probation shall not exceed two (2) years.

Periods of non-practice will not apply to the reduction of the probationary term.

Periods of non-practice will relieve respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; and General Probation Requirements.

14. Condition 10 limits the period of time that Respondent may spend in non-practice to two years.

15. Respondent has resided and practiced medicine in Chicago, Illinois for the duration of her probation, and has not practiced in California during that time. Accordingly, Respondent has been in non-practice status since August 5, 2016. On August 6, 2018, Respondent's period of non-practice while on probation exceeded two years, in violation of Condition 10. (Exhibit Package, Exhibit 4: Probation non-compliance reports.)

16. Respondent's violation of Condition 10 of her probation constitutes cause to revoke her probation.

V.

DETERMINATION OF ISSUES

17. Pursuant to the foregoing Findings of Fact, Respondent's conduct constitutes cause for discipline within the meaning of Business and Professions Code sections 2305.

18. Respondent's actions constitute unprofessional conduct and are substantially related to the qualifications, functions or duties of a physician and surgeon, and are cause for discipline pursuant to Business and Professions Code sections 2234 and/or 2236.

ORDER

IT IS SO ORDERED that Physician's and Surgeon's Certificate No. A 72250, heretofore issued to Respondent KUN LINDA LI, M.D., is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its

discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective at 5:00 p.m. on AUG 06 2021.

It is so ORDERED JUL 09 2021

WILLIAM PRASIFKA
EXECUTIVE DIRECTOR
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

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Exhibit 1

MATTHEW RODRIQUEZ
Acting Attorney General of California
MARY CAIN-SIMON
Supervising Deputy Attorney General
State Bar No. 113083
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 510-3884
Facsimile: (415) 703-5480
Attorneys for Complainant

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition to Revoke Probation Against: **KUN LINDA LI, M.D.** 1941 S.Wells St. Chicago, IL 60616-2466 Physician's and Surgeon's Certificate No. A 72250 Respondent.	Case No. 800-2020-071894 PETITION TO REVOKE PROBATION

Complainant alleges:

PARTIES

1. William Prasifka (Complainant) brings this Petition to Revoke Probation solely in his official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs.

2. On June 26, 2000, the Medical Board of California issued Physician's and Surgeon's Certificate Number A 72250 to Kun Linda Li, M.D. (Respondent). The Physician's and Surgeon's Certificate expired on December 31, 2019, and has not been renewed.

3. In a disciplinary action titled "In the Matter of the Accusation Against Kun Linda Li, M.D.," Case No. 800-2014-004958, the Board issued a Decision, effective August 5, 2016, in which Respondent's Physician's and Surgeon's Certificate was revoked. However, the revocation

was stayed and Respondent's Physician's and Surgeon's Certificate was placed on probation for a period of five years with certain terms and conditions. A copy of that Decision, together with the Order denying reconsideration and stating the effective date of August 5, 2016 is attached as Exhibit A and is incorporated by reference.

JURISDICTION

4. This Petition to Revoke Probation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

5. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

6. Section 2228 of the Code states:

"The authority of the board or the California Board of Podiatric Medicine to discipline a licensee by placing him or her on probation includes, but is not limited to, the following:

"(a) Requiring the licensee to obtain additional professional training and to pass an examination upon the completion of the training. The examination may be written or oral, or both, and may be a practical or clinical examination, or both, at the option of the board or the administrative law judge."

"(b) Requiring the licensee to submit to a complete diagnostic examination by one or more physicians and surgeons appointed by the board. If an examination is ordered, the board shall receive and consider any other report of a complete diagnostic examination given by one or more physicians and surgeons of the licensee's choice."

"(c) Restricting or limiting the extent, scope, or type of practice of the licensee, including requiring notice to applicable patients that the licensee is unable to perform the indicated treatment, where appropriate."

"(d) Providing the option of alternative community service in cases other than violations relating to quality of care."

7. Section 2305 of the Code states:

"The revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license or certificate to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California of a licensee under this chapter [Chapter 5, the Medical Practice Act] shall constitute grounds for disciplinary action for unprofessional conduct against the licensee in this state."

8. Section 141 of the Code states:

"(a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events related therein."

"(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by that board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country."

FIRST CAUSE TO REVOKE PROBATION

(Violation of Probation Condition 8: General Probation Requirements-License Renewal, Compliance with All Terms and Conditions)

9. At all times after the effective date of Respondent's probation, Condition 8 stated as follows, in pertinent part:

> Compliance with Probation Unit. Respondent shall comply with the Board's Probation unit and all terms and conditions of this Decision.
>
> . . . . .
>
> License Renewal. Respondent shall maintain a current and renewed California physician's and surgeon's certificate.

10. At all times after the effective date of Respondent's probation, Respondent has been required to comply with all terms and conditions of probation, including the requirement that Respondent maintain a current and renewed California physician's and surgeon's certificate.

11. Respondent's physician's and surgeon's certificate has been in expired status since December 31, 2019. Accordingly, Respondent has failed to comply with Condition 8.

12. Respondent's violation of Condition 8 of her probation constitutes cause to revoke her probation.

SECOND CAUSE TO REVOKE PROBATION

(Violation of Probation Condition 10: Non-Practice While on Probation)

13. At all times after the effective date of Respondent's probation, Condition 10 stated as follows:

> Non-Practice While on Probation. Respondent shall notify the Board or its designee in writing within 15 calendar days of any periods of non-practice lasting more than 30 calendar days and within 15 days of respondent's return to practice. Non-practice is defined as any period of time respondent is not practicing medicine in California as defined in Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct patient care, clinical activity or teaching, or other activity as approved by the Board. All time spent in an intensive training program which has been approved by the Board or its designee shall not be considered non-practice. Practicing medicine in another state of the United States or Federal jurisdiction while on probation with the medical licensing authority of that state or jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall not be considered as a period of non-practice.
>
> In the event respondent's period of non-practice while on probation exceeds 18 calendar months, respondent shall successfully complete a clinical training program that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.
>
> Respondent's period of non-practice while on probation shall not exceed two (2) years.
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> Periods of non-practice will not apply to the reduction of the probationary term.
>
> Periods of non-practice will relieve respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; and General Probation Requirements.

14. Condition 10 limits the period of time that Respondent may spend in non-practice to two years.

15. Respondent has resided and practiced medicine in Chicago, Illinois for the duration of her probation, and has not practiced in California during that time. Accordingly, Respondent has been in non-practice status since August 5, 2016. On August 6, 2018, Respondent's period of non-practice while on probation exceeded two years, in violation of Condition 10.

16. Respondent's violation of Condition 10 of her probation constitutes cause to revoke her probation.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking the probation that was granted by the Board in Case No. 800-2014-004958 and imposing the disciplinary order that was stayed, thereby revoking Physician's and Surgeon's Certificate No. A 72250 issued to Kun Linda Li, M.D.;

2. Revoking, suspending, or denying approval of Kun Linda Li, M.D.'s authority to supervise physician's assistants, pursuant to section 3527 of the Code;

3. Ordering Kun Linda Li, M.D., if placed on probation, to pay the costs of probation monitoring and advanced practice nurses.

4. Taking such other and further action as deemed necessary and proper.

DATED: APR 27 2021

WILLIAM PRASIFKA
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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Exhibit A

Decision and Order

Medical Board of California Case No. 800-2017-004958

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:	
KUN LINDA LI, M.D. Physician's and Surgeon's Certificate No. A 72250	Case No. 800-2014-004958 OAH No. 2015060522
Petitioner	

ORDER DENYING PETITION FOR RECONSIDERATION

The Petition filed by Kun Linda Li, M.D., for the reconsideration of the decision in the above-entitled matter having been read and considered by the Medical Board of California, is hereby denied.

This Decision remains effective at 5:00 p.m. on August 5, 2016.

IT IS SO ORDERED: August 5, 2016

Jamie Wright, JD, Chair
Panel A

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:	)	
KUN LINDA LI, M.D.	)	Case No. 800-2014-004958
Physician's and Surgeon's Certificate No. A 72250	)	OAH No. 2015060522
Respondent	)	

DECISION

The Proposed Decision of Diane Schneider, Administrative Law Judge, dated June 3, 2016 is attached hereto. Said decision is hereby amended, pursuant to Government Code section 11517(c)(2)(C), to correct technical or minor changes that do not affect the factual or legal basis of the proposed decision. The proposed decision is amended as follows:

1. Page 1, Case No. 800-2014-004598 is stricken and replaced with Case No. 800-2014-004958.

The Proposed Decision as amended is hereby accepted and adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on July 28, 2016.

IT IS SO ORDERED: June 28, 2016.

MEDICAL BOARD OF CALIFORNIA

Jamie Wright, JD, Chair
Panel A

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: KUN LINDA LI, M.D. Physician's and Surgeon's Certificate No. A72250, Respondent.	Case No. 800-2014-004598 OAH No. 2015060522

PROPOSED DECISION

Administrative Law Judge Diane Schneider, State of California, Office of Administrative Hearings, heard this matter on May 5, 2016, in Oakland, California. Connie W. Chen provided interpreter services.

Supervising Deputy Attorney General Jane Zack Simon represented complainant Kimberly Kirchmeyer, the Executive Director of the Medical Board of California, Department of Consumer Affairs.

Respondent Kun Linda Li, M.D., was present and represented herself.

The record closed and the matter was submitted on May 5, 2016.

Post hearing submissions by respondent and complainant's objections

Respondent submitted the following documents post hearing: On May 13, 2016, respondent submitted a letter and attachments, marked for identification as Exhibit L, regarding two additional exhibits. First, respondent includes an exhibit she identifies as "Exhibit #5" because she thought that she might not have given it to the hearing judge. Additionally, respondent requests to submit an additional document into evidence. This document, identified by respondent as "[E]xhibit # 31," pertains to her Medicare reimbursement losses. The record of exhibits has been reviewed, and all exhibits presented at hearing have been accounted for. Since the record of hearing exhibits is complete, respondent's request pertaining to documents she identifies as "Exhibit #5" is denied. On May 20, 2016, complainant submitted a letter, marked for identification as Exhibit 5, objecting to the admission of respondent's submissions on the grounds that they lack proper

foundation and are not relevant. Complainant's objection is sustained. Respondent's request to admit what she identifies as "[E]xhibit #31," into evidence is denied.

On May 25, 2016, respondent submitted a letter from Dawna Gutzmann, M.D., dated May 18, 2016. The letter was marked for identification as Exhibit M. Exhibit M is not admitted into evidence because it was submitted after the record closed and the matter was submitted for decision.

On May 27, 2016, respondent filed a motion to dismiss and a magazine article,[1] collectively marked as Exhibit N. In a letter dated May 31, 2016, complainant objects to the admission of Exhibit N because the documents are not relevant, respondent's submission are improper because the record is closed and the matter has been submitted for decision, and the motion to dismiss is not properly before the Office of Administrative Hearings. Complainant's objections are sustained. Exhibit N is not admitted into evidence.

FACTUAL FINDINGS

1. On June 26, 2000, the Medical Board of California (Board) issued Physician's and Surgeon's Certificate No. A72250 (certificate) to respondent Kun Linda Li, M.D. The certificate was in full force and effect during the events set forth below, and expired on December 31, 2015. Respondent's certificate is currently suspended pursuant to an order issued on January 13, 2015, pursuant to Business and Professions Code section 2310, subdivision (a).

2. On February 13, 2015, complainant Kimberly Kirchmeyer, acting in her official capacity as Executive Director of the Board, issued an accusation against respondent. The accusation alleges that respondent's California certificate is subject to discipline because of actions taken by the Illinois Department of Financial and Professional Regulation, Division of Professional Regulation (Illinois Division) against respondent's license to practice medicine in Illinois. Respondent requested a hearing, and this hearing followed.

Action by the Illinois Division

3. On March 2, 1999, the Department of Financial and Professional Regulation of the State of Illinois issued respondent a license to practice medicine in Illinois (Illinois Medical License No. 036-099744).

4. On April 1, 2014, the Illinois Division issued an Order suspending respondent's license to practice medicine in Illinois. The facts and circumstances surrounding the suspension Order are set forth in Factual Findings 5 through 7.

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[1] The article is written in a foreign language; respondent suggests that a staff member translate the article into English.

5. At the time of the incidents set forth below, respondent owned a pain management and rehabilitation practice in Rockford, Illinois. On January 31, 2014, the Rockford Police Department contacted the Illinois Division with concerns regarding respondent's mental health. These concerns stemmed from respondent filing multiple reports, beginning in January 2012, alleging suspicious activity, including thefts and burglaries. During this time, respondent implemented extensive security measures at her office, including surveillance cameras, alarm systems, padlocks and coded entry devices. Respondent told the police that someone was out to sabotage her business. Upon investigation, it was determined that respondent's reports were unsupported by evidence.

6. Respondent also made numerous reports involving missing patient records and computer "hacking"; she believed that the FBI may have been responsible for the missing files and suspicious activity regarding patient records. Respondent stated that suspicious activity occurred in her home and office locations in Rockford and Chicago and her security camera footage and computer files were hacked and deleted.

7. In February 2014 the Illinois Medical Disciplinary Board issued an order compelling respondent to undergo a psychiatric exam. On March 7, 2014, respondent was evaluated by Board-certified psychiatrist Ashraf M. Helmy, M.D. Dr. Helmy also referred respondent for a psychological evaluation, and on March 21, 2014, psychologist Michael Brook, Ph.D., performed a psychological evaluation on respondent.

8. In his report dated March 21, 2014, Dr. Brook noted that on clinical observation, respondent's thought content appeared to be "considerably encumbered by paranoia." Although the results of psychometric testing were, in Dr. Brook's words, "largely unrevealing," he opined that the "lack of positive psychological test findings appears to be driven largely by effortful defensiveness and evasiveness."

9. After interviewing respondent, reviewing pertinent documents, and reviewing Dr. Brook's psychological evaluation, Dr. Helmy concluded that respondent was unable to practice medicine with reasonable judgment, skill, and safety because she suffers from a Delusional Disorder, persecutory type, which markedly impairs her judgment and ability to rationally weigh information. Dr. Helmy's opinion is based upon what he describes as respondent's "delusional" and "irrational" belief that she is a target of a conspiracy that is aimed at sabotaging her business. He noted that respondent "has no insight" into her illness, and "does not have intact reality testing." Dr. Helmy recommended that respondent receive long-term psychiatric treatment for her condition; and, when she is able to achieve remission she should be evaluated by a psychiatrist to assess whether she can safely return to the practice of medicine.

Respondent's evidence

10. Respondent is 55 years old and was born, raised, and educated in China. She graduated from medical school in 1982 and received a master's degree in neuroscience in 1989. Respondent came to the United States in 1991 and became a United States citizen in

2000. Respondent completed a residency at Schwab Rehabilitation Hospital in Chicago, and she became licensed in Illinois in 1997. Respondent opened her private practice in 2004 in Rockford, and in 2007, she opened an office in Chicago. She resides in the Chicago area with her elderly parents and her six-year-old daughter, all of whom rely on her for financial support.

11. Respondent contends that the Illinois Division improperly issued the disciplinary Order. She asserts that the Order should not provide a basis for disciplining her California certificate because she does not suffer from Delusional Disorder or any psychiatric disorder, and her judgment is therefore not impaired by such illness. Respondent submitted the report of psychiatrist Dawna Gutzmann, M.D., to support her contention that she does not suffer from any psychiatric condition. Dr. Gutzmann evaluated respondent in January and February 2015, and concluded that respondent does not suffer from Delusional Disorder and that she "has no mental or physical impairment preventing her from practicing medicine with reasonable judgment, skill and safety . . . ." Dr. Gutzmann submitted a letter, dated January 4, 2016. In this letter Dr. Gutzmann reiterates her opinion that respondent does not suffer from Delusional Disorder, and she does not require psychiatric treatment.

12. The purpose of the instant proceeding is to determine whether the basis for the Illinois Order also constitutes grounds for taking disciplinary action against her California certificate. (Bus. & Prof. Code, § 2305.) For these reasons, respondent's attempt to demonstrate that the Illinois Order was wrongfully issued is not relevant to the legal issues presented at this time.

LEGAL CONCLUSIONS

1. The standard of proof applied in making the factual findings set forth above is clear and convincing evidence to a reasonable certainty.

2. Business and Professions Code[2] section 141, subdivision (a), applies generally to licenses issued by agencies that are part of the Department of Consumer Affairs, such as the Board. It provides, in relevant part, as follows:

> For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action by another state . . . for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board.

[2] All references are to the Business and Professions Code unless otherwise indicated.

The disciplinary action of the Illinois Division was based on acts substantially related to the practice of medicine insofar the suspension Order was based upon a determination that respondent was unable to safely practice medicine due to her Delusional Disorder. Cause exists under section 141 to take disciplinary action against respondent's certificate, by reason of the matters set forth in Findings 4 through 7.

3. Section 2305, which applies specifically to licenses issued by the Board, provides in relevant part as follows:

> The revocation, suspension, or other discipline, restriction, or limitation imposed by another state upon a license or certificate to practice medicine issued by that state . . . that would have been grounds for discipline in California of a licensee under this chapter, shall constitute grounds for disciplinary action for unprofessional conduct against the licensee in this state.

The grounds for the suspension Order issued by the Illinois Division constitutes grounds for disciplinary action in California under section 822, which provides that where a licensing agency determines that a licensee's ability to practice her profession safely is impaired because she is mentally ill, the agency may revoke or suspend the license or place the licentiate on probation. Accordingly, based upon the matters set forth in Factual Finding 9, cause exists under section 2305 to take disciplinary action against respondent's certificate.

Disciplinary considerations

4. Cause for discipline having been established, the issue is the appropriate level of discipline to impose. In determining the appropriate discipline the Board's highest priority is the protection of the public. (§ 2229, subd. (a).) Section 822 authorizes the Board may take whatever action it deems proper, including revocation, suspension or probation. Section 822 also provides:

> The licensing agency shall not reinstate a revoked or suspended certificate or license until it has received competent evidence of the absence or control of the condition which caused its action and until it is satisfied that with due regard for the public health and safety the person's right to practice his or her profession may be safely restored.

In the instant case, it is determined that the safety of the public requires that respondent be placed on probation under terms that require her to undergo a psychiatric examination; and respondent may not practice medicine until a Board-certified psychiatrist evaluates her and deems her mentally fit to practice medicine safely. Respondent will also be required to comply with all restrictions and conditions recommended by the evaluating psychiatrist. In making this Order, it is acknowledged that respondent has worked long and hard to obtain her medical license, develop her practice, and support her family; and she is

sincere in her belief that she does not suffer from mental illness.. However, facts and circumstances underlying the Illinois Order raise serious concerns about respondent's ability to safely practice medicine. The disciplinary Order set forth below is designed to effectuate the Board's duty to ensure protection of the public while also affording respondent an opportunity to continue practicing medicine in the context of probationary conditions.

ORDER

Physician's and Surgeon's Certificate No. A72250, issued to respondent Kun Linda Li, M.D., is revoked. However, revocation is stayed and respondent is placed on probation for five years upon the following terms and conditions:

1. Psychiatric Evaluation

Within 30 calendar days of the effective date of this Decision, and on whatever periodic basis thereafter may be required by the Board or its designee, respondent shall undergo and complete a psychiatric evaluation (and psychological testing, if deemed necessary) by a Board-appointed board certified psychiatrist, who shall consider any information provided by the Board or designee and any other information the psychiatrist deems relevant, and shall furnish a written evaluation report to the Board or its designee. Psychiatric evaluations conducted prior to the effective date of the Decision shall not be accepted towards the fulfillment of this requirement. Respondent shall pay the cost of all psychiatric evaluations and psychological testing.

Respondent shall comply with all restrictions or conditions recommended by the evaluating psychiatrist within 15 calendar days after being notified by the Board or its designee.

Respondent shall not engage in the practice of medicine until notified by the Board or its designee that respondent is mentally fit to practice medicine safely. The period of time that respondent is not practicing medicine shall not be counted toward completion of the term of probation.

2. Monitoring - Practice

Within 30 calendar days of the effective date of this Decision, respondent shall submit to the Board or its designee for prior approval as a practice monitor, the name and qualifications of one or more licensed physicians and surgeons whose licenses are valid and in good standing, and who are preferably American Board of Medical Specialties (ABMS) certified. A monitor shall have no prior or current business or personal relationship with respondent, or other relationship that could reasonably be expected to compromise the ability of the monitor to render fair and unbiased reports to the Board, including but

not limited to any form of bartering, shall be in respondent's field of practice, and must agree to serve as respondent's monitor. Respondent shall pay all monitoring costs.

The Board or its designee shall provide the approved monitor with copies of the Decision and Accusation, and a proposed monitoring plan. Within 15 calendar days of receipt of the Decision, Accusation, and proposed monitoring plan, the monitor shall submit a signed statement that the monitor has read the Decision and Accusation, fully understands the role of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with the signed statement for approval by the Board or its designee.

Within 60 calendar days of the effective date of this Decision, and continuing throughout probation, respondent's practice shall be monitored by the approved monitor. Respondent shall make all records available for immediate inspection and copying on the premises by the monitor at all times during business hours and shall retain the records for the entire term of probation.

If respondent fails to obtain approval of a monitor within 60 calendar days of the effective date of this Decision, respondent shall receive a notification from the Board or its designee to cease the practice of medicine within three calendar days after being so notified. Respondent shall cease the practice of medicine until a monitor is approved to provide monitoring responsibility.

The monitor shall submit a quarterly written report to the Board or its designee which includes an evaluation of respondent's performance, indicating whether respondent's practices are within the standards of practice of medicine, and whether respondent is practicing medicine safely. It shall be the sole responsibility of respondent to ensure that the monitor submits the quarterly written reports to the Board or its designee within 10 calendar days after the end of the preceding quarter.

If the monitor resigns or is no longer available, respondent shall, within five calendar days of such resignation or unavailability, submit to the Board or its designee, for prior approval, the name and qualifications of a replacement monitor who will be assuming that responsibility within 15 calendar days. If respondent fails to obtain approval of a replacement monitor within 60 calendar days of the resignation or unavailability of the monitor, respondent shall receive a notification from the Board or its designee to cease the practice of medicine within three calendar days after being so notified. Respondent shall cease the practice of medicine until a replacement monitor is approved and assumes monitoring responsibility.

3. Solo Practice Prohibition

Respondent is prohibited from engaging in the solo practice of medicine. Prohibited solo practice includes, but is not limited to, a practice where: 1) respondent merely shares office space with another physician but is not affiliated for purposes of providing patient care, or 2) respondent is the sole physician practitioner at that location.

If respondent fails to establish a practice with another physician or secure employment in an appropriate practice setting within 60 calendar days of the effective date of this Decision, respondent shall receive a notification from the Board or its designee to cease the practice of medicine within three calendar days after being so notified. Respondent shall not resume practice until an appropriate practice setting is established.

If, during the course of the probation, respondent's practice setting changes and respondent is no longer practicing in a setting in compliance with this Decision, respondent shall notify the Board or its designee within five calendar days of the practice setting change. If respondent fails to establish a practice with another physician or secure employment in an appropriate practice setting within 60 calendar days of the practice setting change, respondent shall receive a notification from the Board or its designee to cease the practice of medicine within three calendar days after being so notified. Respondent shall not resume practice until an appropriate practice setting is established.

4. Notification

Within seven days of the effective date of this Decision, respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the Chief Executive Officer at every hospital where privileges or membership are extended to respondent, at any other facility where respondent engages in the practice of medicine, including all physician and locum tenens registries or other similar agencies, and to the Chief Executive Officer at every insurance carrier which extends malpractice insurance coverage to respondent. Respondent shall submit proof of compliance to the Board or its designee within 15 calendar days.

This condition shall apply to any change in hospitals, other facilities or insurance carrier.

5. Supervision of Physician Assistants

During probation, respondent is prohibited from supervising physician assistants.

6. Obey All Laws

Respondent shall obey all federal, state and local laws, all rules governing the practice of medicine in California and remain in full compliance with any court ordered criminal probation, payments, and other orders.

7. Quarterly Declarations

Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all the conditions of probation.

Respondent shall submit quarterly declarations not later than 10 calendar days after the end of the preceding quarter.

8. General Probation Requirements

Compliance with Probation Unit
Respondent shall comply with the Board's probation unit and all terms and conditions of this Decision.

Address Changes
Respondent shall, at all times, keep the Board informed of respondent's business and residence addresses, email address (if available), and telephone number. Changes of such addresses shall be immediately communicated in writing to the Board or its designee. Under no circumstances shall a post office box serve as an address of record, except as allowed by Business and Professions Code section 2021, subdivision (b).

Place of Practice
Respondent shall not engage in the practice of medicine in respondent's or patient's place of residence, unless the patient resides in a skilled nursing facility or other similar licensed facility.

License Renewal
Respondent shall maintain a current and renewed California physician's and surgeon's certificate.

Travel or Residence Outside California
Respondent shall immediately inform the Board or its designee, in writing, of travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than 30 calendar days.

In the event respondent should leave the State of California to reside or to practice respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of departure and return.

9. Interview with the Board or its Designee

Respondent shall be available in person upon request for interviews either at respondent's place of business or at the probation unit office, with or without prior notice throughout the term of probation.

10. Non-practice While on Probation

Respondent shall notify the Board or its designee in writing within 15 calendar days of any periods of non-practice lasting more than 30 calendar days and within 15 calendar days of respondent's return to practice. Non-practice is defined as any period of time respondent is not practicing medicine in California as defined in Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct patient care, clinical activity or teaching, or other activity as approved by the Board. All time spent in an intensive training program which has been approved by the Board or its designee shall not be considered non-practice. Practicing medicine in another state of the United States or Federal jurisdiction while on probation with the medical licensing authority of that state or jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall not be considered as a period of non-practice.

In the event respondent's period of non-practice while on probation exceeds 18 calendar months, respondent shall successfully complete a clinical training program that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

Respondent's period of non-practice while on probation shall not exceed two years.

Periods of non-practice will not apply to the reduction of the probationary term.

Periods of non-practice will relieve respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; and General Probation Requirements.

11. Completion of Probation

Respondent shall comply with all financial obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the completion of probation. Upon successful completion of probation, respondent's certificate shall be fully restored.

12. Violation of Probation

Failure to fully comply with any term or condition of probation is a violation of probation. If respondent violates probation in any respect, the Board, after giving respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed against respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

13. License Surrender

Following the effective date of this Decision, if respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy the terms and conditions of probation, respondent may request to surrender her license. The Board reserves the right to evaluate respondent's request and to exercise its discretion in determining whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, respondent shall within 15 calendar days deliver respondent's wallet and wall certificate to the Board or its designee and respondent shall no longer practice medicine. Respondent will no longer be subject to the terms and conditions of probation. If respondent re-applies for a medical license, the application shall be treated as a petition for reinstatement of a revoked certificate.

14. Probation Monitoring Costs

Respondent shall pay the costs associated with probation monitoring each and every year of probation, as designated by the Board, which may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of California and delivered to the Board or its designee no later than January 31 of each calendar year.

DATED: June 3, 2016

DocuSigned by:
Diane Schneider
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DIANE SCHNEIDER
Administrative Law Judge
Office of Administrative Hearings